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GAU 2671 #3  
BT  
11-06-01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : DIGI RX, LLC.  
FOR : SOFTWARE, APPARATUS AND  
METHOD FOR HAND-HELD  
ELECTRONIC DEVICES AND  
ADVERTISING THEREON  
SERIAL NO. : 09/736,032  
FILED : 12/13/2000  
LAST OFFICE ACTION : N/A  
EXAMINER : Unknown  
GROUP ART UNIT : 2671  
ATTORNEY DOCKET NO. : 0894.0010

RECEIVED

SEP 12 2001

Technology Center 2600

Akron, OH 44308-1136

September 5, 2001

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CERTIFICATE OF MAILING

I hereby certify that this **INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56 and §1.97** is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231, on this 5 day of September, 2001

By:

*Janet E. Sigler*  
Janet E. Sigler

\*\*\*\*\*

Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56 and §1.97

Dear Sir:

In accordance with 37 C.F.R. § 1.56 the applicant files this Information Disclosure Statement (IDS) under at least one of the following five circumstances:

1. ☐ **No Information to disclose:** applicant has no information to disclose at this time.
2. ☐ **Under § 1.97(i):** this IDS is filed with the knowledge that it will NOT be considered.
  - this IDS is filed BEFORE the grant of a patent; AND
  - this IDS does NOT comply with the requirements noted below
  - applicant notes that the information disclosed herein WILL be placed in the file
3. ☒ **Under § 1.97(b):** this IDS should be considered because it is being filed
  - within 3 months of the filing date of a national application OR
  - within 3 months of the date of entry of the national stage of an international appl. OR
  - before the mailing date of a first Office Action on the merits, whichever occurs last.

A) ☒ one of the following statements under § 1.97(e):

I, Daniel A. Thomson, the undersigned hereby state:

- (1) ☒ Each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement, OR
- (2) ☒ To the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in this statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than 3 months prior to the filing of this statement; OR

B) ☐ A check in the amount of \$ 240.00 is enclosed to cover the Information Disclosure Statement (IDS) Fee under 37 C.F.R. § 1.17(p) as required when neither item (1) nor (2) above are selected.

4. ☐ **Under § 1.97(d):** this IDS should be considered because it is being filed
  - after the period specified Under § 1.97(c) above but
  - ON OR BEFORE payment of the issue fee,
  - and is accompanied by:

A) ☐ one of the following statements under § 1.97(e):

I, Daniel A. Thomson, the undersigned hereby state:

(1) \_\_\_\_\_ Each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement, OR

(2) \_\_\_\_\_ To the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in this statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than 3 months prior to the filing of this statement; AND

B) \_\_\_\_\_ a petition requesting consideration of the IDS; AND

C) \_\_\_\_\_ A check in the amount of \$ 180.00 is enclosed for the petition fee as set forth under 37 C.F.R. § 1.17(i).

In accordance with § 1.56 and § 1.97 the references listed below and on the attached form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. Copies of these cited documents are enclosed.

#### English-Language Documents

<u>Patent No.</u>	<u>Issue Date</u>	<u>Patentee</u>
4,839,806	6/13/1989	Goldfischer et al.
6,018,713	01/25/2000	Coli et al.
5,642,484	6/24/1997	Harrison, III, et al.

#### Foreign Patent Documents in English

<u>Patent No.</u>	<u>Issue Date</u>	<u>Country</u>
2,756,695	06/1998	France
2,775,093	08/1999	France

Foreign-Language DocumentsIssue DatePatent No.PatenteeOther Documents


NONE

  X   Please charge deposit account No. 05-0875 if any additional fees are required.

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO-1449 with initials or other appropriate marks.

Respectfully submitted,

EMERSON &amp; SKERIOTIS

  
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September 5, 2001  
Date